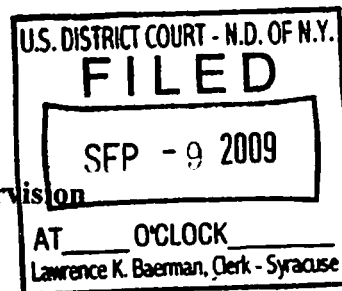


Prob12B
(7/93)

**United States District Court
for the Northern District of New York**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)



Name of Offender: David Trapps

Case Number: 5:03-CR-00243-019

Name of Sentencing Judicial Officer: Honorable Norman A. Mordue, Chief U.S. District Judge

Date of Original Sentence: November 9, 2004

Original Offense: Conspiracy to Engage in a Pattern of Racketeering Activity, 18 U.S.C. § 1962(d)

Original Sentence: 20 months Imprisonment and 5 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 4/9/09

PETITIONING THE COURT

- [] To extend the term of supervision for years, for a total term of years.
 [X] To modify the conditions of supervision as follows:

1. In accordance with the terms of home detention ordered by the Court, you shall pay all costs associated with the use and replacement of the equipment as determined by the probation officer. The Court orders you to pay \$879 directly to **BI, Inc., 6400 Lookout Road, Boulder, CO 80301** for the replacement of the Passive tracker unit 3002819 assigned to David Trapps and reported lost on June 19, 2009.

CAUSE

The offender was initially convicted of Conspiracy to Engage in a Pattern of Racketeering Activity in 2004, and was released to the community in November 2007, after completing a 96 month sentence. The U.S. Probation Office filed a violation and on February 20, 2009, Trapps was sentenced to 7 months imprisonment and 43 months supervised release after violating his conditions of supervision by engaging in new criminal conduct and possessing a controlled substance. He was released from the Bureau of Prisons on April 9, 2009. Special conditions of supervision called for the offender to serve four months of home confinement, participate in a program for substance abuse to include testing and treatment, contribute to the cost of evaluation and monitoring, provide financial information to the probation officer, refrain from alcohol and a search condition.

Trapps commenced his period of home confinement on April 24, 2009. On June 19, 2009, while working as a laborer for the City of Syracuse Department of Public Works, Trapps left the GPS tracker unattended for a brief period of time. When he returned, the tracker was no longer where he left it. Trapps immediately contacted this office and was re-issued a new one. However, the replacement cost of the unit is \$879 that has to be paid to the monitoring company. This office has advised Trapps that he is responsible for the payment, per the conditions of the home confinement.

Trapps has agreed to make payments and this office would like to see this amount be added as a condition of supervision, to ensure the full payment is made prior to expiration. The offender completed home confinement on August 24, 2009, without violations and appears to be making good progress.

Prob 12B

- 2 -

Request for Modifying the
Conditions or Terms of Supervision
with Consent of the Offender

Trapps has signed the Probation Form 49, Waiver of a Hearing to Modify Conditions of Supervised Release, which is enclosed. If the Court concurs, please sign this form and have it filed with the Clerk's Office.

Respectfully submitted,

MATTHEW L. BROWN
Chief U.S. Probation Officer

by: *Liana Snyder*
LIANA SNYDER
U.S. Probation Officer
Date: 9/8/09

Approved by: *Lori Albright*
LORI ALBRIGHT
Supervising U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other

Norman A. Mordue
Signature of Judicial Officer
Sept. 9, 09
Date

PROB 49
NNYrev.9/02

Waiver of Hearing to Modify Conditions
of Supervised Release or Extend Term of Supervision

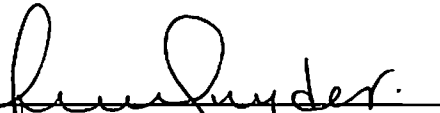
UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF NEW YORK

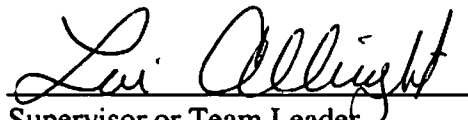
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have a right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. **I am fully aware this is only a proposal to the Court to address the alleged violation(s) and it is in no way binding upon the Court. The Court has the discretion to order a hearing which could result in a different sanction being imposed.** I agree to the following modification of my Conditions of Supervised Release or to the proposed extension of my term of supervision:

1. In accordance with the terms of home detention ordered by the Court, you shall pay all costs associated with the use and replacement of the equipment as determined by the probation officer. The Court orders you pay \$879 directly to **BI, Inc., 6400 Lookout Road, Boulder, CO 80301** for the replacement of the Passive tracker unit 3002819 assigned to David Trapps and reported lost on June 19, 2009.

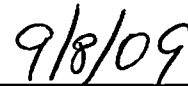
Witness:


U.S. Probation Officer


Supervisor or Team Leader

Signed:


Supervised Releasee



Date